

ANNEX J: MATTERS DEVOLVED TO WALES

General context

There are only two custodial establishments for children in Wales at Hillside Secure Children's Home in Neath and HMYOI Parc in Bridgend. There are no Secure Training Centres in Wales.

The geographical location of suitable establishments across Wales and England can present problems for children and young adults in custody. As children transition to young adulthood, they may have been located far from home and family.

There are currently no female prisons or Approved Premises for women in Wales. This also creates significant issues for detained female young adults in maintaining contact with family and planning for effective resettlement.

In structural terms, there can be added complexity applying a centralised criminal justice system across England & Wales but engaging devolved services such as healthcare, community mental health services, social care and housing. This can present particular problems when reviewing a parole case in an English establishment when the young adult prisoner will be returning to a Welsh community. Cross-border working can present challenges when securing relevant services.

Release planning is particularly essential to the management of risk for the young adult cohort. As in some other parts of the UK, resources in Wales can be stretched. Resettlement plans may be limited in scope because there are fewer opportunities to access suitable accommodation, employment, and structured activities in mostly rural, post-industrial, and deprived areas. Police and probation resources may extend across large rural areas and this may directly impact delivery of plans for monitoring, supporting, and supervising young adults who could drift back to risky situations and negative associates.

Legislative and practical considerations

More information about duties toward Welsh speaking prisoners and the Welsh language is set out in the *Member Guidance on Welsh Speaking Prisoners and Duties Regarding the Welsh Language*.

When considering homelessness, care leavers and other social issues, panels will be aware that there are legislative differences between England and Wales stemming from devolution. Homelessness issues are dealt with at Annex F of this guidance.

The following table highlights key legislation, policy papers and strategies which impact on youth justice (including young adults in most cases) in Wales.

United Nations Convention on the Rights of the Child

The Welsh Government incorporated the United Nations Convention on the Rights of the Child (UNCRC) into domestic legislation through the Rights of Children and Young Person's (Wales) Measure 2011. Wales was the first country in the UK to appoint a Children's Commissioner.

<https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

Rights of Children and Young Persons (Wales) Measure 2011

This measure places a duty on Welsh Government ministers to have due regard for UNCRC principles and the Convention's optional protocols when developing new policy or legislation or when reviewing existing instruments. Welsh Ministers must consider rights-based implications in decision-making.

<http://www.legislation.gov.uk/mwa/2011/2/contents>

Extending Entitlement for every young person aged 11 to 25 years

Extending Entitlement is the Welsh Government's youth policy for young people aged between 11 & 25. It is based on the concept of universal entitlement. Every child and young adult in Wales has the right to access ten entitlements, enabling them to participate effectively in opportunities for learning, employment, promotion of good health, citizenship and social inclusion.

<https://beta.gov.wales/sites/default/files/publications/2018-02/direction-and-guidance-extending-entitlement-support-for-11-to-25-year-olds-in-wales.pdf>

Children and Young People First (2014)

This is the Welsh Government's and YJB Cymru's joint youth justice strategy for Wales. YJB Cymru is the Welsh arm of the Youth Justice Board.

Treating offender as *children first and offenders second* is a key principle of the strategy.

The strategy has five priorities intended to deliver good outcomes for children and young adults in the youth justice system:

- a well-designed partnership approach
- early intervention, prevention and diversion
- reducing reoffending
- effective use of custody
- resettlement and reintegration at sentence end.

<https://www.gov.uk/government/publications/youth-justice-strategy-for-wales-children-and-young-people-first>

Youth Justice Blueprint for Wales

Following discussions by Ministers about the direction of justice delivery in Wales, the Wales Justice Strategy Group was tasked to develop blueprints for the delivery of youth justice services for male and female offenders to reflect the landscape in Wales.

The Welsh Government commissioned YJB Cymru to develop advice and recommendations for the Youth Justice Blueprint and to produce outline proposals for further discussion by Ministers in December 2018.

In May 2019, Jane Hutt AM (Deputy Minister and Chief Whip in the Senedd) announced the publication of the Youth Justice Blueprint and Implementation Plan: preventing children from entering the criminal justice system, minimising their contact with it and maximising opportunities for diversion are essential in supporting them to lead crime free lives. The statutory aim of the youth justice system is to prevent offending by children. The Social Services and Well-being (Wales) Act 2014 and the Well-being of Future Generations (Wales) Act 2015 set out requirements to ensure local services are provided to prevent children from offending and to promote their future welfare.

Adverse childhood experiences (ACEs) can have a significant effect on mental well-being throughout life leading to negative outcomes including involvement in crime. People with four or more ACEs are 15 times more likely to commit violence and 20 times more likely to be imprisoned. Policy is therefore focused on preventing and minimising the impact of ACEs, stopping intergenerational problems and developing resilience to improve life chances.

The Youth Justice Blueprint recognises the commitment to deliver children's rights in Wales. A whole-system approach described takes account of the United Nations Convention on the Rights of the Child in the design of youth justice services for Wales. It sets out the ambition for a rights-based and trauma-informed system, which will support services delivering positive outcomes for children in Wales.

https://gov.wales/sites/default/files/publications/2019-05/youth-justice-blueprint_0.pdf

'Early Action Together' ACEs learning network

This multi-agency learning network includes Public Health Wales, police services in Wales, Police & Crime Commissioners, Barnardo's, the prison and probation service (HMPPS) in Wales as well as key partner organisations across the UK. It provides information for the public and professionals including the police about the Early Action Together programme and its work in relation to adverse childhood experiences (ACEs).

The aim is to share information and research about ACEs and promulgate best practice and effective use of resources. The programme is designed as a public health approach to policing vulnerability across Wales using a trauma-informed ACE lens.

Objectives to develop the focus of Early Action Together for criminal justice in Wales are:

- workforce development
- ongoing evaluation
- continued partnership working focusing on-low level vulnerabilities
- out-of-hours response services to support officers called to emergencies
- best practice for dealing with the effects of ACEs
- a Trauma Recovery Model (TRM) to be piloted with Welsh police
- ACE-awareness raising for custodial staff backed up by psychologists.

<https://www.rsph.org.uk/our-work/resources/early-action-together-learning-network.html>

Public Health Wales and Adverse Childhood Experiences

This agenda is a significant area of policy development in Wales led by Public Health Wales to increase understanding of ACEs and how to respond to them. Relevant research is summarised on the first website and resources for tackling the effects of ACEs are outlined in the second:

<http://www.wales.nhs.uk/sitesplus/888/page/88524>

<https://www.aceawarewales.com/>

Social Services & Well-being (Wales) Act 2014

This legislation replaced the Children in Wales Act when it came into force on 6th April 2016. The new Act provides a legal framework for improving the wellbeing of children, young adults and others who need care and support and for assisting carers who need support. It includes a duty on local authorities to provide services to prevent children from offending and to promote their welfare and wellbeing.

<https://www.legislation.gov.uk/anaw/2014/4/notes/contents>

The National Care and Support Pathway for Children and Young People in the Secure Estate

This clarifies the rights and entitlements under the Social Services & Well-being (Wales) Act 2014 for people in custody.

<http://www.cgymru.org.uk/y-ddeddf> <http://www.ccwales.org.uk/the-act>

All Wales Child Protection Procedures (AWCPP)

These procedures form an essential part of safeguarding children and promoting their well-being. They are intended to promote consistent child protection practice across Wales. Published in November 2019 by the Wales Safeguarding Procedures Project Board, these procedures update and clarify roles and responsibilities for practitioners. The Wales safeguarding procedures replace the All Wales Child Protection procedures from 2008.

All Wales Practice Guides Safeguarding Children in specific safeguarding circumstances

Practice guides were issued in 2020 to be used in conjunction with the Wales Safeguarding Procedures which extend advice about protecting against child abuse, grooming and radicalisation by online means and provide contact details for reporting issues.

The Housing (Wales) Act 2014

This legislation introduced fundamental reform of homelessness provisions. The new system is designed to help everyone at risk rather than just those in priority groups. The priority need category is still in place for 16- and 17-year olds. However, offenders released from custody are not defined as a priority need group and must meet a vulnerability test to receive statutory housing support.

Further advice about homelessness in England & Wales is available in Annex F of this guidance.

<http://www.legislation.gov.uk/anaw/2014/7/contents/enacted>

National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate (2015)

This paper sets out how housing needs should be assessed and met under the the Housing (Wales) Act 2014 for those resettling in Wales.

<https://gov.wales/topics/housing-and-regeneration/services-and-support/homelessness/national-pathway/?lang=en>

Guidance for the joint working arrangements between Youth Offending Teams and Local Authority Children’s Services, arising from the Social Services and Well-Being (Wales) Act 2014, in respect of children and young people in custody

The aim of this guidance is to ensure that staff in community Young Offender Teams and staff in the secure estate work together effectively to discharge duties and responsibilities towards children whilst in custody and to prepare and support their reintegration and resettlement. This material is available from YJB Cymru on request

YJBCymru@yjb.gov.uk

The Wellbeing of Future Generations (Wales) Act 2015

This legislation encourages the development of policy and delivery of services which are sustainable and contribute to a Wales that is prosperous, healthy, and built on safe and resilient communities. The aim for youth justice is to break the intergenerational cycle of offending and to prevent poor outcomes associated with offending. The Act requires that relevant policies must focus on prevention, integration, collaboration and involvement and take a long-term perspective. Wales has appointed a Future Generations Commissioner.

<http://www.legislation.gov.uk/anaw/2015/2/contents/enacted>

The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015

The Act aims to improve arrangements for the promotion of awareness and the prevention of abuse and to protect and support victims (including children) of gender-based violence, domestic abuse and sexual violence.

<https://www.legislation.gov.uk/anaw/2015/3/contents>

Prosperity for All (2017)

This is the national strategy of the Welsh Government, setting out a vision for Wales as a vibrant, tolerant and welcoming place to live and work, and a country which is outward-looking and where people of all backgrounds are respected and valued. It states a commitment to continuing work to counter discrimination and ensure opportunities for all.

<https://gov.wales/docs/strategies/170919-prosperity-for-all-en.pdf>